

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, NOVEMBER 20, 2001

Chair Parsons called the meeting to order at 7:02 p.m. at the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Parsons, Gibson, Mathewson, Petersen, Torre (arrived 7:04), Wiecha (arrived 7:10)

Absent, Commissioners: Feierbach

Present, Staff: Community Development Director Ewing, (CDD) Principal Planner de Melo (PP), Associate Planner Ouse (AP), City Attorney Savaree (CA), Recording Secretary Flores (RS).

AGENDA STUDY SESSION: None

AGENDA AMENDMENTS: None

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR:

Minutes for October 16, 2001

MOTION: By Commissioner Gibson, seconded by Commissioner Torre, to approve the Minutes of October 16, 2001.

Ayes: Torre, Petersen, Parsons, Mathewson, Gibson

Noes: None

Absent: Wiecha, Feierbach

Motion passed 5/0/2

STUDY SESSION:

Review of Final Landscape/Irrigation Plan for Sprint PCS Telecommunications Facility at 2130 Ralston Avenue consistent with action taken by the Planning Commission on October 16, 2001.

PP de Melo summarized staff report recommending approval.

C Torre questioned if Aptos Blue Coast Redwoods are usually used as a street tree?

PP de Melo replied that they are adequate street trees and have worked well for similar projects.

MOTION: By Commissioner Gibson, second by Commissioner Petersen to approve the Landscape plan for 2130 Ralston Avenue.

AYES: Gibson, Petersen, Torre, Mathewson, Parsons

NOES: None

ABSENT: Wiecha, Feierbach

PUBLIC HEARINGS:

7A. Public Hearing –2500 Block of Hallmark Drive (Hallmark and Wakefield Drives)

To consider a Conditional Use Permit and Design Review application to install a Metro PCS Wireless communication facility for Mid Peninsula Water District property adjacent to Hallmark Park. The proposal consists of the installation of two panel antennas to be mounted on an existing 38 foot high monopole and location of two equipment cabinets to accommodate Metro PCS equipment/base transceiver stations (BTS).

(Appl. No. 01-0085)

APN 045-330-130; Zoned: A (Agriculture)

CEQA Status: Exempt

Whalen & Company, Inc., for Metro PCS – Applicant

Mid-Peninsula Water District – Owner

PP de Melo summarized staff report and recommending approval.

Applicant Peter Clement stated the antennas would be flush mounted to an existing monopole to not be visually intrusive. Mr. Clement also indicated that he would be available to answer questions from the Commission.

MOTION: By Commissioner Wiecha, second by Commissioner Mathewson to close the Public Hearing. Motion Passed.

MOTION: By Commissioner Torre, seconded by Commissioner Wiecha to approve the Conditional Use Permit and Design Review to allow The Metro PCS Telecommunications facility at Mid Peninsula Water District Property at Hallmark and Wakefield Drives with the Conditions outlined in the staff report.

C Mathewson stated the reason he would vote no on this item was due to his aesthetic concerns with the proposal based on the Federal Telecommunications Act of 1996, of which allows jurisdictions to disapprove wireless communications applications based only on design/aesthetic issues.

Ayes: Torre, Wiecha, Gibson, Petersen, Parsons

Noes: Mathewson

Absent: Feierbach

Motion passed 5/1

Chair Parsons announced that the item may be appealed to the City Council within 10 **days**.

7B. Public Hearing – 2884 Wakefield Drive

AP Ouse summarized Staff Report recommending denial of the Conditional Use Permit, Tentative Parcel Map and Single Family Design Review.

C Torre stated that in the letter attached to the staff report the argument put forward that "the covenant shall attach to and run with the land" and that there is a limit on all of these properties to the number of 70. She questioned if the argument in this case is because the subdivision would not be allowed because it was previously determined at 70?

CA Savaree replied it was her understanding that this individual is arguing because of the codes, covenants and restrictions, (cc&r's) in place limits the ability to do certain things with those properties. She stated that cc&r's are private contracts of which the city is not party to or bound by. She continued to say that if someone believed that cc&r's are not being enforced they have the right to file a private law suit. She went on to say there has been litigation in the past where arguments were made that cities are bound by cc&r's and that is not the case here.

C Torre asked Staff if all previous seven conditional use permits related to expanding the size of the mutual houses? No previous subdivisions for example?

AP Ouse stated that was correct, taking in account the different amendments to the DDP on small additions from approximately 175 – 486 square feet.

Applicant Marvin Bergloff stated that he was available for questions.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: by Commissioner Wiecha, second by Commissioner Mathewson to Close the Public Hearing.

Motion Passed.

Discussion:

C Torre stated that she was not inclined to vote for this project as presented. She stated that she would not have a problem approving a project that had a different split of property, where the proposed FAR's were in line with the range provided.

C Gibson stated that he agreed with Staff's recommendation and stated his approval of planned developments in general. He would like to see all planned developments and no zoning for the future.

C Wiecha commented that given the layout of the structures on the adjacent lot, it would be extremely intrusive to the other neighbors. She concurs with the findings in the staff report.

Chair Parsons stated he could not support this subdivision. He felt this would be a good opportunity to increase the size of the existing house and utilize the front and back yards.

MOTION: by Commissioner Wiecha, second by Commissioner Gibson to move the resolution of the Planning Commission and the City of Belmont denying a Conditional Use Permit, Tentative Parcel Map and Single Family Design Review at 2884 Wakefield Drive.

AYES: Wiecha, Gibson, Torre, Petersen, Mathewson, Parsons

NOES: None

ASENT: Feierbach

Motion Passed: 6/0/1

7C. Public Hearing –2936 Alhambra

To consider a Single Family Design Review and Tree Removal Permit, to allow construction of a 3,095 square foot single-family residence on a 9,904 square foot site. Total grading proposed on the site is 480 cubic yards (260 c.y. cut, 220 c.y. fill)

(Appl. No. 01-0055)

APN: 043-232-100, 043-232-220 Zoned: R-1/B

CEQA Status: Categorically Exempt

Larry Siebert and Shirley Nichols: Applicants/Owners

MOTION: By Commissioner Mathewson, seconded by Commissioner Wiecha to continue this item to January 15, 2002.

Motion Passed 6/0

7D. Public Hearing - 2710 All View Way

To Consider a Setback Variance, and Single Family Design Review application to remodel the existing 1,562 square foot residence. The proposed remodel will reconfigure and enlarge the space of an existing storage room to provide a two-car garage with a 15'3" driveway where the required backup distance is 18'. The remodel will also reconfigure the interior space and add a new bedroom and bathroom to the first floor, and remodel and enlarge the basement area to construct a home entertainment room and bathroom. The proposed remodel will total 2,458 square feet, where the maximum floor area allowed for the dwelling is 2,465 square feet.

(Appl. No. 01-0070)

APN: 043-243-040; Zoned: R-1B

CEQA Status: Exempt

Peter and Eva Lau – Owner/Applicant

PP de Melo presented the staff report.

C Mathewson noted concerns about the existing front yard fence in the public right of way.

Chair Parsons commented that the site plan site plan for the front yard does not indicate if there is landscaping.

PP de Melo stated that this area consists of pavement, however the Commission can recommend that a condition be added to remove the pavement and add landscaping.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Wiecha, seconded by Commissioner Mathewson, to close the Public Hearing. Motion passed.

MOTION:

By Commissioner Gibson second by Commissioner Wiecha to move the resolution of the Planning Commission of the City of Belmont approving a set-back variance and single family design review for 2710 Allview Way subject to conditions outlined in the staff report with additional conditions

that the fence be moved back to the property line and the pavement on the left side of the yard be removed and replaced with landscaping. The applicant shall submit a revised landscape plan for the front yard with these modifications for Commission review and approval.

AYES: Wiecha, Gibson, Torre, Petersen, Mathewson, Parsons

NOES: None

ABSENT: None

This item may be appealed to City Council within 10 days.

NEW BUSINESS: None

REPORTS, STUDIES, UPDATES, AND COMMENTS

C Torre requested that Staff prepare an explanatory history for projects that have gone through several stages and have geotech reports in them.

CDD Ewing stated one of the problems we have is a grading ordinance that is out of sync with the zoning ordinance. In response, we've crafted a band-aid approach of bringing grading approvals to the Commission before a grading permit is actually submitted. However, the grading permit is what is suppose to be reviewed.

CDD Ewing noted that this packet had some very interesting items in it tonight. One project was brought back based on the Commissions direction to make it better. Another project was recommended for denial because the applicant did not accept staff's recommendations. We forwarded the denial recommendation, which the Commission supported. Another project was continued because it was not ready. Staff is doing more to make sure projects are fully analyzed and fully prepared for action. CDD Ewing stated that he believes the staff work has substantially improved, but he also seeks the Commission's input on ways staff can improve.

Chair Parsons requested a City of Belmont phone directory be forwarded to the Planning Commission from the Recording Secretary.

CDD Ewing mentioned December 11, 2001 will be the City Council Meeting that will take up issues of lot mergers and they will probably not finish that night but we have scheduled the next evening December 12th to wrap it up.

ADJOURNMENT: 8:02 PM

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department.

Please call (650) 595-7416 to schedule an appointment